
HOUSE BILL No. 1390

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-3-1.

Synopsis: Railroad employees injured on the job. Makes it a Class C felony for an individual employed by a railroad to: (1) deny certain medical treatment; or (2) discipline or threaten discipline; when another railroad employee is injured on the job. Makes it a Class A infraction for a railroad company to commit the same offense or employ an employee who commits the offense.

Effective: July 1, 2004.

Aguilera

January 20, 2004, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1390

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-3-1-11 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) **Except as provided in**
3 **section 21.5 of this chapter**, a carrier subject to this chapter who
4 knowingly violates or fails to comply with this chapter commits a Class
5 B infraction.
6 (b) A carrier who fails to comply with any final order made against
7 it by the department in any proceeding pending before the department,
8 in which any carrier is a party, unless the order is suspended, annulled,
9 or set aside by some court, shall forfeit and pay to the state for each
10 violation of any such order a penalty of not more than one thousand
11 dollars (\$1,000).
12 (c) A carrier subject to this chapter who knowingly charges,
13 collects, demands, or receives from any person a different rate, charge,
14 or compensation for the transportation of persons or property, or for
15 any service performed or to be performed by the carrier, than that fixed
16 in the schedule of rates filed with the department, the schedule of rates
17 adopted by the department, or the schedule of rates ordered observed

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by any court, commits a Class A infraction.

SECTION 2. IC 8-3-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. **Except as provided in section 21.5 of this chapter**, if a railroad company subject to this chapter shall do, cause to be done, or permit to be done, any matter, act, or thing in this chapter prohibited, or declared to be unlawful, or shall omit to do any act, matter, or thing herein required to be done by it, such railroad company shall be liable to the person or persons, firm, limited liability company, or corporation injured thereby for the damages sustained in consequence of such violation, and if the railroad company commits extortion or discrimination as by this chapter defined, then, in addition to such damages, such railroad company shall pay to the person, firm, limited liability company, or corporation injured thereby a penalty of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), to be recovered by civil action in any court of competent jurisdiction in any county into or through which such railroad runs. It is a defense to the action for such penalty that such overcharge was unintentionally and innocently made through a mistake of fact. Such recovery as provided in this chapter does not affect a recovery by the state of any penalty provided for such violation.

SECTION 3. IC 8-3-1-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 21.5. (a) Subsection (c)(1) and (c)(2) apply to the categories of railroad employees set forth in IC 22-3-2-2(b).

(b) This section does not release a railroad company from complying with section 21(b) of this chapter.

(c) A railroad company or an individual employed by a railroad company may not:

(1) deny, delay, or interfere with medical or first aid treatment to an employee of a railroad company; or

(2) discipline or threaten discipline against an employee of a railroad company for requesting medical or first aid treatment if the employee has been injured during employment.

(d) An individual employed by a railroad company who intentionally, knowingly, or recklessly violates subsection (c) commits a Class C felony.

(e) A railroad company that violates subsection (c) commits a Class A infraction.

(f) A railroad company that employs an individual who violates subsection (c) commits a Class A infraction.

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